



T&E COMTE: 08-12-2013

ITEM: d(1)

Memorandum

**TO: TRANSPORTATION AND
ENVIRONMENT COMMITTEE**

**FROM: Betsy Shotwell
Roxanne Miller**

**SUBJECT: REPORT ON KEY
LEGISLATIVE ITEMS**

DATE: July 23, 2013

Approved

Date

7/29/13

RECOMMENDATION

Accept the staff memorandum dated July 23, 2013 concerning pending Federal and State legislation in the transportation, aviation, environmental, and utilities City Service Areas.

BACKGROUND

Included in the Transportation and Environment Committee work plan for 2013 is the request for a legislative update to be brought forward to the Committee by the City Manager's Office of Intergovernmental Relations.

ANALYSIS

The following is a summary update of priority legislative issues of interest to the City relating to transportation and the environment.

FEDERAL

New Federal Transportation Secretary

Charlotte, North Carolina Mayor, Anthony Foxx was unanimously confirmed by the United States Senate to become the new Secretary of Transportation. Foxx, who was nominated by President Obama in April and replaces Ray LaHood, who is retiring after serving for more than four years. During Foxx's time as mayor, he oversaw the beginning of construction of a downtown streetcar project, the opening of a third runway at Charlotte-Douglas International Airport, the completion of a major highway widening project, and the extension of the light rail system to the University of North Carolina Charlotte. Foxx is expected to address both Amtrak and high-speed rail projects before the House begins reauthorization of the 2008 rail law that expires at the end of September.

Federal Transportation Appropriations

As the countdown to the month-long August recess begins, both the House and Senate are each poised to take up their versions of the Fiscal Year 2014 Transportation-HUD appropriation bills. The House intends to consider their \$44.1 billion bill before the August break; the White House has already threatened to veto the bill due to the proposed significant spending reductions. It is \$7.7 billion less than current funding levels, and \$4.4 billion less than mandatory spending reductions called for under "sequestration." Senate Democrats believe they have the votes necessary to get to work on spending bills; their first test comes Tuesday, July 23, when senators are scheduled to vote to limit debate on taking up their \$54 billion Transportation-HUD spending bill.

The proposals differ in funding levels with the House version proposing cutting funding for transportation and the Senate bill increasing funding over 2013 levels. The House bill would fully fund the current surface transportation bill, MAP-21, by providing \$41 billion from the Highway Trust Fund to be spent on the federal highway program and more than \$10.5 billion for transit programs. However, the bill allocates \$1.6 billion for rail, which results in a \$468 million drop from the current year's enacted level. No funding, however, was allocated to high-speed rail and funding for Amtrak was cut significantly as House Republicans have continually proposed. The House bill also eliminated funding for Transportation Investment Generating Economic Recovery (TIGER) grants. The bill includes approximately \$2 billion for the Federal Transit Administration (FTA), which is \$329.7 million below the FY2013 enacted level. The New Starts and Small Starts competitive grant program would be fully funded at \$1.182 billion. The BART - Silicon Valley Berryessa Extension Project has requested \$150 million in funding through the FY2014 New Starts Program. The Federal Aviation Administration would be allocated \$11.8 billion, a \$756 million cut from FY2013.

The Senate's FY2014 appropriations measure would allocate about \$2.3 billion more than the FY2013 enacted level. Some of the funding levels for transportation items include: \$40.3 billion for the annual Federal-aid Highway program (\$636 million more than FY2013 enacted level); \$550 million for TIGER grants (an increase of \$51 million from FY2013 enacted level); \$500 million for a new bridge repair program; \$1.75 billion for rail--\$1.45 billion of which is for Amtrak (\$137 million more than FY 2013 enacted level); and \$1.943 billion for transit "New Starts" program.

Both the House and Senate must agree on FY2014 funding levels. Given the funding level and policy differences to date, it is expected that Congress will ultimately pass a long-term continuing resolution to keep the federal government operating beyond October 1, the start of the 2014 FY.

Aviation

Impacts of Sequestration

When Federal sequestration took effect on March 1, Airport staff had concerns about the impact on the three federal agencies with ongoing relationships with the Airport: the Federal Aviation Administration (FAA), Customs and Border Patrol (CBP), and the Transportation Security Administration (TSA). Although overtime and the replacement of any departing staff has been

Transportation and Environment Committee

Re: Report on Key Legislative Items

July 23, 2013

Page 3 of 22

severely limited for TSA and CBP, the Airport has not yet seen any significant impacts on TSA and CBP operations at the Airport as a result of sequestration. Similarly, staff has not yet experienced any decrease in accessibility, responsiveness or service from FAA staff.

That is not to say that the Airport will not see any impacts from sequestration. One immediate potential impact may be a TSA proposal to require airports nationwide to staff exit lanes from their secured areas – a responsibility that, by law, is assigned to the TSA. However, as a direct result of sequestration, the TSA must find savings of \$90 million and the TSA believes that some of that saving could be realized by requiring airports to staff exit lanes instead of TSA staff. The exit lane proposal is part of the Department of Homeland Security's (DHS) FY2014 funding bill.

Airports across the nation, including San Jose, expressed their concern and opposition to the proposal. Airports generally cite three major reasons for opposing the bill:

1. Security of the sterile or post-checkpoint areas is a responsibility designated by law to TSA;
2. There are concerns about having non-TSA personnel staff the exit lanes; and
3. Cost. (It is estimated the annual ongoing cost for airports will range between \$160,000 for smaller airports to \$2.5 million for larger airports. San Jose Airport staff estimates an additional annual cost of \$180,000 to staff the exit lane in Terminal A).

In approving DHS's FY2014 bill, both House and Senate Appropriations Committees expressed similar concerns about TSA needing to work with airports in the implementation of the proposal. The Senate Appropriations Committee is requiring TSA to do some pilot tests using technology and low-cost solutions to monitor exit lanes and to report back to the Committee on the transition plan before the proposal is implemented. The Committee provided \$2 million to TSA to conduct pilot tests. Staff believes this direction will require the TSA to work with airports with the objective of having a smooth, low-cost transition. Should the TSA meet the requirements of Congress, it would make the proposal a less onerous one for airports. The Senate Appropriations Committee language is a stronger version of the language adopted by the House Appropriations Committee. The TSA funding bill has passed out of the House, through Senate Appropriations and is on its way to the full Senate for consideration as of this writing. Staff expects the proposal will eventually be included in a FY2014 funding package sent to the President for enactment.

It is important to remember that this is only the fifth month of a sequestration process that, if no compromise solution is found, could last ten years. That means it is still too early to tell what impacts the Airport will ultimately experience.

Increase in the PFC Ceiling and Exemption from the Alternative Minimum Tax

There continues to be no updates to report on the Airport's other two federal legislative priorities: 1) increasing the ceiling for the Passenger Facility Charge; and 2) the passage of federal legislation that permanently extends the exemption from the alternative minimum tax on airport bond funding. Airport staff continues not to expect any change in the status for these two priorities for the foreseeable future.

STATE

2013 State Legislative Calendar

The Legislature is currently in recess with members of the Assembly and Senate taking their annual four week Summer Recess. The Assembly began their recess on July 3 and will reconvene on August 5. The Senate Recess began on July 12 with the Senate scheduled to reconvene on August 12. When the Legislature returns the Senate and Assembly will have only six weeks to complete action on 2013 legislation and pass bills on to the Governor's desk before the Legislature begins the fall Interim Study Recess that begins on September 13.

In the Senate, July 12 was the last day for policy committees to meet and report bills out before they started their summer recess. In the Assembly, the last day for policy committees to meet and report bills out will be August 16. The last day for Appropriations Committees to meet and report bills to their Floor is August 30. Starting on September 3 thru 13 only Floor Sessions will be meeting. No committees, other than conference committees and Rules Committees may meet for any purpose without Joint Rules waivers. September 6 is the last day to amend bills on the Floors and September 13 is the last day for any bills to be passed before adjournment. The Interim Recess will begin upon adjournment on September 13. The Last day for the Governor to sign or veto bills passed by the Legislature on or before September 13 and in the Governor's possession after September 13 is October 13. 2013 Legislation passed by the Legislature and signed by the Governor or allowed to become law without the Governor's signature will take effect on January 1, 2014 unless otherwise specified in the bill. Bills signed by the Governor with an urgency clause can go into effect immediately.

2013 State Legislative Bill Summary

The following Legislative Summary identifies state legislation (partial listing) introduced during the 2013 Legislative Session relating to the City's Transportation and Environment legislative priorities in the City Service Areas. The summary includes bills related to Transportation, Vehicles, Airports, Public Works, Utilities, Communications, Environment, Energy, Recycling, Energy, Solid Waste, Green Vision and Cap and Trade. Note: Bills introduced in 2013 that fail to pass the Legislature during the 2013 Session can become 2-year bills and be considered during the 2014 Session if they pass their house of origin by the end of January, 2014. Priority bills introduced in 2013 of particular interest to San Jose are identified with City positions indicated. All legislation is continually reviewed by IGR, the City's Sacramento Legislative Office, City departments and the City Attorney's Office to identify bills of interest and impacts to the City. Significant bills are brought forward to the Rules Committee and the City Council for consideration and adoption of a City position.

Transportation, Vehicles, Public Works, Utilities and Communications

AB 14 Lowenthal B (D) State Freight Plan

Requires the Transportation Agency to prepare a state freight plan with specified elements to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. Requires the agency to establish a freight advisory committee. (Fiscal)

STATUS: 7/02/2013 – From Senate Appropriations Committee. To Senate Floor, third reading.

LAST AMEND: 5/6/2013

AB 22 Blumenfield (D) Sidewalk: Repairs

Prohibits a city, county, or city and county that has an ordinance in operation that requires it to repair or reconstruct streets, sidewalks, or driveways that have been damaged as a result of tree growth from repealing the ordinance without the concurrence of the local electorate by majority vote. (Fiscal)

STATUS: 4/10/2013 - In Assembly Committee on Local Government. Not heard.

LAST AMEND:

AB 47 Gatto (D) Emergency Telephone System: Abuse

Makes any person who calls the 911 telephone system to dispatch a police, sheriff, fire department, or emergency medical service personnel response to a residence or place of business where there is no emergency, with the intent to annoy or harass another person, and any or all of such entities are dispatched as a result of the call, is guilty of a misdemeanor. Provides criminal penalties if any great bodily injuries are incurred in the response. Relates to liability for all reasonable related costs. (Fiscal)

STATUS: 7/09/2013 - In Senate Committee on Appropriations. Set for hearing on 8/12/2013.

LAST AMEND: 7/9/2013

AB 61 Gatto (D) Parking: Parking Meters

Prohibits a local authority from enacting an ordinance or resolution prohibiting or restricting the parking of a vehicle in a parking space that is regulated by an inoperable parking meter or inoperable parking payment center. (Fiscal)

STATUS: 7/10/2013 - Enrolled. To Governor.

LAST AMEND:

AB 164 Wieckowski (D) Infrastructure Financing

Requires a lease agreement between a governmental agency undertaking an infrastructure project and a private entity to include performance bonds as security to ensure the completion of the construction of the facility and payment bonds to secure the payment of claims of laborers, mechanics, and materials suppliers employed on the work under contract. (Non-Fiscal)

STATUS: 7/01/2013 - Enrolled. To Governor.

LAST AMEND: 6/5/2013

AB 300 Perea (D) Telecommunications: Prepaid Mobile Services: Fees

Enacts the Prepaid Mobile Telephony Service Surcharge and Collection Act. Establishes a prepaid surcharge for prepaid mobile telephony surcharges. Provides the surcharge would include emergency telephone users surcharge, and Public Utility Commission surcharges. Requires the moneys from the surcharge to be placed in designated accounts in the State Treasury. Relates to the utility user tax tiered rates. Provides the charge imposed after the suspension is not subject to voter approval. (Fiscal)

STATUS: 7/10/2013 - In Senate Committee on Governance and Finance Committee. Set for hearing on 8/14/2013

LAST AMEND: 7/10/2013

AB 302 Chau (D) Public Works: Public Subsidies

Amends existing law that exempts from the definition of public works an otherwise private development project if the state or political subdivision provides a public subsidy to a private development project that is de minimis in the context of the project. Provides that a public subsidy is de minimis if it is both less than a specified amount of funding and less than a specified percentage of the total project cost. (Fiscal)

STATUS: 6/26/2013 - In Senate Committee on Appropriations. Set for hearing on 8/12/2013

LAST AMEND: 6/17/2013

AB 359 Holden (D) Vehicle Rental Agreements: Customer Facility Charge

Relates to rental car companies and a customer facility charge, a fee that is required by an airport to finance, design, and construct airport car rental facilities, transportation systems, and terminal modifications, and an audit of the facility charge. Provides the guidelines regarding the scope of the audit. Requires the audit to be posted on the airport's Internet Web site. Regards the requirement to conduct the audit every 3 years. Amendments under consideration. (Non-fiscal)

STATUS: 7/08/2013 - Passed Senate Judiciary Committee. On Senate Floor. To third reading.

LAST AMEND: 5/13/2013

CITY POSITION: SUPPORT

AB 466 Quirk-Silva (D) Federal Transportation Funds

Requires the Department of Transportation to allocate federal transportation funds to regional agencies under the federal Congestion Mitigation and Air Quality Improvement Program based on a weighted formula that considers population and pollution in a given area. (Fiscal)

STATUS: 7/01/2013 – From Senate Appropriations Committee. To Senate Floor, ordered to third reading.

LAST AMEND: 3/14/2013

CITY POSITION: SUPPORT

AB 574 Lowenthal B (D) Greenhouse Gas Reduction Fund: Sustainable Communities

Requires the State Air Resources Board to establish standards for the use of moneys allocated in the Greenhouse Gas Reduction Fund for sustainable communities projects. Requires the board to establish the criteria for the development and implementation of regional grant programs. Requires the State Transportation Commission to designate the regional granting authority within each region of the state to administer the allocated moneys for regional grant programs. (Fiscal)

STATUS: 5/24/2013 - In Assembly Committee on Appropriations. Held in committee.

LAST AMEND: 4/15/2013

CITY POSITION: SUPPORT

AB 666 Wieckowski (D) Automated Traffic Enforcement Systems: Violations

Requires violations recorded by an automated traffic enforcement system to be cited as civil violations, subject to civil penalty, administrative process, and appeal in Superior Court. Exempts certain of those violations from the violation point count process. Provides for a delinquency fee and notice of violation. Requires the refusal to renew the registration of a vehicle if the owner or lessee has been mailed a violation. Requires including on a renewal notice an itemization of unpaid penalties. (Fiscal)

STATUS: 4/23/2013 - In Assembly Committee on Judiciary. Not heard.

LAST AMEND: 3/19/2013

AB 738 Harkey (R) Public Entity Liabilities: Bicycles

Provides that a public entity or an employee of a public entity acting within his or her official capacity is not liable for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway. (Fiscal)

STATUS: 4/23/2013 - In Assembly Committee on Judiciary. Not heard.

LAST AMEND:

AB 755 Ammiano (D) Suicide Barriers

Provides that the construction or reconstruction of a bridge designed for use by motor vehicles shall not be eligible for federal funds apportioned to the state, funds made available from the Highway Users Tax Account, or toll bridge funds unless the planning process for the bridge project takes into account the need for a suicide barrier. (Fiscal)

STATUS: 7/02/2013 - Passed Senate Committee on Transportation and Housing.

To Senate Committee on Appropriations.

LAST AMEND:

AB 1002 Bloom (D) Vehicles: Registration Fee

Imposes, in addition to any other taxes and fees specified in the Vehicle Code and the Revenue and Taxation Code, a tax to be paid at the time of registration or renewal of registration of every vehicle subject to registration under the Vehicle Code in a county that is in a metropolitan planning organization required to prepare a sustainable communities strategy as part of its transportation plan, with the deposit of all such tax moneys in the Sustainable Communities Strategy Subaccount. (Fiscal)

STATUS: 4/23/2013 - Re-referred to Assembly Committee on Local Government. Hearing cancelled at request of author.

LAST AMEND: 4/23/2013

AB 1092 Levine (D) Building Standards: Electric Vehicle Charging

Requires the State Building Standards Commission, commencing with the next triennial edition of the State Building Standards Code, to adopt, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily

Transportation and Environment Committee

Re: Report on Key Legislative Items

July 23, 2013

Page 8 of 22

and nonresidential development. Requires the Department of Housing and Community Development to propose those mandatory standards and to submit them to the commission.

(Fiscal)

STATUS: 7/03/2013 - Passed Senate Committee on Environmental Quality. Referred to Senate Appropriations Committee. Set for hearing on 8/12/2013.

LAST AMEND: 6/10/2013

AB 1140 Daly (D) Public Works: Prevailing Wages

States that if the Director of Industrial Relations determines, within a semiannual period, that there is a change in any prevailing rate of per diem wages in a locality, that determination applies to any public works. Authorizes any contractor, awarding body, or representative affected by a change in rates to file with the director a verified petition to review the determination of that rate. Requires the initiation of an investigation or hearing to make a final determination. (Fiscal)

STATUS: 6/26/2013 – Passed Senate Labor and Industrial Relations Committee. In Senate Appropriations Committee. Set for hearing on 8/12/2013.

LAST AMEND: 5/24/2013

AB 1158 Waldron (R) Vehicles: On-Street Parking for Electric Vehicles

Authorizes local authorities to adopt rules and regulations by ordinance or resolution regarding designating and enforcing on-street parking spaces for electric vehicles. (Non-fiscal)

STATUS: 3/07/2013 - To Assembly Committees on Transportation and Local Government. Committee hearing canceled at the request of author.

LAST AMEND:

AB 1192 Gaines B (R) Vehicles: Parking: Motorcycles

Prohibits an owner or operator of a public or private offstreet parking facility from prohibiting motorcycles from using the facility. (Fiscal)

STATUS: 3/21/2013 – To Assembly Committees on Transportation and Local Government. Assembly Committee hearing canceled at the request of author.

LAST AMEND:

AB 1193 Ting (D) Bikeways

Amends existing law that requires the State Department of Transportation to establish procedures to permit exceptions to the requirements that all city, regional, and other local agencies responsible for the development of bikeways or roadways where bicycles travel to utilize all minimum safety design criteria and uniform specifications for symbols, signs, markers, and traffic control devices.

Prohibits the department from denying funding to a project because it is excepted. (Fiscal)

STATUS: 4/25/2013 – In Committee on Local Government.

LAST AMEND: 4/25/2013

AB 1194 Ammiano (D) Safe Routes to School Program

Requires a specified percent of the Safe Routes to School Program to be used for noninfrastructure activities to encourage walking and bicycling to school. Authorizes the transfer of the responsibility

Transportation and Environment Committee

Re: Report on Key Legislative Items

July 23, 2013

Page 9 of 22

for selecting projects and awarding grants from the Department of Transportation to the State Transportation Commission. (Fiscal)

STATUS: 7/02/2013 - In Senate Committee on Transportation and Housing. Set for hearing. Hearing canceled at author's request.

LAST AMEND: 5/24/2013

AB 1212 Levine (D) Public Contracts: Bids: Equal Materials or Service

Prohibits certain bid specifications from requiring a bidder to provide submission of data substantiating a request for a substitution of an equal item prior to the bid or proposal deadline. (Fiscal)

STATUS: 3/07/2013 - To Assembly Committee on Accountability and Administrative Review. No hearing held.

LAST AMEND:

AB 1253 Blumenfield (D) Vehicles: Mobile Advertising Displays

Authorizes local authorities to adopt civil penalties for a violation of an ordinance or resolution regulating mobile billboard advertising displays. (Non-fiscal)

STATUS: 06/12/2013 – Passed Senate Transportation and Housing Committee. On Senate Floor, to third reading.

LAST AMEND: 6/12/2013

ACA 8 Blumenfield (D) Local Government Financing: Voter Approval

Proposes an amendment to the Constitution to create an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district. (Fiscal)

STATUS: 6/27/2013 – In Senate, referred to Senate Committees on Governance and Finance and Elections and Constitutional Amendments. In Senate Governance and Finance Committee.

LAST AMEND: 4/4/2013

CITY POSITION: SUPPORT

SB 7 Steinberg (D) Public Works: Charter Cities

Prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage provisions on any public works contract. Prohibits state funding assistance for such projects for a specified period. Authorizes such assistance for a city with an ordinance requiring prevailing wages. Provides a minimum contract threshold for such requirement. (Fiscal)

STATUS: 6/26/2013 - Passed Assembly Committee on Local Government. Referred to Committee on Labor and Employment. Set for hearing on 8/14/2013.

LAST AMEND: 2/19/2013

SB 33 Wolk (D) Infrastructure Financing Districts: Voter Approval

Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of the district and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes the creation of such district subject to specified procedures. Authorizes a district to finance specified actions and project. Prohibits the district from providing financial assistance to a vehicle dealer or big box retailer. (Fiscal)

STATUS: 7/03/2013 – Passed Assembly Committee on Appropriations. To Assembly Floor, on third reading.

LAST AMEND: 3/6/2013

SB 124 Corbett (D) Public Contracts: Bid Preferences: Clean Energy

Requires state agencies and the Trustees of the California State University that accept bids or proposals for a contract for the purchase or installation of a clean energy device, technology, or system, to provide a preference to a bidder that certifies that all of the parts of the clean energy device, technology, or system to be installed have been manufactured in the state, to reduce toxic emissions and greenhouse gases. Authorizes energy service contracts. (Fiscal)

STATUS: 7/03/2013 – In Assembly, passed Assembly Committee on Accountability and Administrative Review as amended. Referred to Committee on Appropriations.

LAST AMEND: 4/29/2013

SB 350 Beall (D) Vehicles: Motorcycles.

Prohibits, with an exception for a peace officer, a person operating a motorcycle from passing another vehicle in a portion of a lane occupied by that vehicle unless certain conditions are met, including that the passing occurs during traffic congestion, and the passing occurs at a safe speed. (Fiscal)

STATUS: 2/28/2013 – Referred to Senate Committee on Transportation and Housing.

LAST AMEND:

SB 366 Wright (D) Traffic Fines: Ability to Pay

Relates to a person's ability to pay traffic fines. Revises provisions regarding mitigating circumstances regarding the ability to pay such fine. Authorizes a court to sentence a person convicted of a misdemeanor for failure to appear to pay bail, or upon whom a civil assessment has been imposed for failure to appear in court or pay a fine, upon a showing that payment of part or all of the total fine or assessment would pose a hardship, to perform community service. Relates to those on public benefits. (Fiscal)

STATUS: 5/23/2013 - In Senate Committee on Appropriations. Held in committee.

LAST AMEND: 5/14/2013

SB 454 Corbett (D) Public Resources: Electric Vehicle Charging Stations

Creates the Electric Vehicle Charging Stations Open Access Act. Prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station. Prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station. Requires the total actual charges for the use of a station to be disclosed at the point of sale. Requires a provider of certain equipment or a station to disclose certain information. (Fiscal)

STATUS: 7/01/2013 – Passed Assembly Committee on Transportation. Referred to Assembly Committee on Appropriations.

LAST AMEND: 5/24/2013

SB 469 Corbett (D) Public Contracts: Local Agencies: Public Transit

Requires a local authority awarding a procurement contract for purchase of a public transit vehicle to give preference to any bidder that agrees that all vehicles to be purchased are to be manufactured within the State. (Fiscal)

STATUS: 3/11/2013 – Referred to Senate Committees on Transportation and Housing, Governance and Finance and Appropriations. In Senate Transportation and Housing Committee. Hearing canceled at the request of author.

LAST AMEND:

SB 608 Wright (D) Adverse Possession: Public Entity Properties

Provides that a nonpublic entity has no right under the doctrine of adverse possession to possess, occupy, or own public property or claim a public property by adverse possession. Prohibits a public entity from selling real property or conveying a durable interest except by official action. (Fiscal)

STATUS: 3/11/2013 – Referred to Senate Committee on Judiciary. Hearing canceled at the request of the author.

LAST AMEND:

SB 628 Beall (D) Infrastructure Financing: Transit Priority Projects

Eliminates the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit priority project. Requires a specified percentage of the revenue for increasing, improving, and preserving the supply of lower and moderate-income housing. Requires a low-income housing replacement ordinance. (Fiscal)

STATUS: 7/03/2013 - In Assembly, passed Committees on Local Government and Housing and Community Development. To Assembly Floor

LAST AMEND: 6/17/2013

SB 785 Wolk (D) Design-Build

Repeals certain authorizations and enacts provisions that would authorize the Department of General Services, the Department of Corrections and Rehabilitation, and certain local agencies to use the design-build procurement process for specified public works. Provides that specified information is exempt from the Public Records Act. Requires specified moneys to be deposited into the State Public Works Enforcement Fund. (Fiscal)

STATUS: 5/24/2013 - In Senate. On Senate Floor from third reading to Inactive File at request of the author.

LAST AMEND: 5/2/2013

SCA 4 Liu (D) Local Government Transportation Project: Voter Approval

Proposes an amendment to the Constitution to provide the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects and requires the approval of a related proposition that includes certain requirements.

Transportation and Environment Committee

Re: Report on Key Legislative Items

July 23, 2013

Page 12 of 22

Prohibits the local government from expending any revenues derived from a special transportation tax approved by the voters at any time prior to the completion of an identified capital project funded by specified revenues. (Fiscal)

STATUS: 7/09/2013 – Be adopted and passed Senate Committee on Governance and Finance as amended. Re-referred to Senate Transportation and Housing Committee. Hearing canceled at the request of the author.

LAST AMEND: 5/21/2013

CITY POSITION: SUPPORT

SCA 8 Corbett (D) Transportation Projects: Special Taxes: Voter Approval

Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition, if the proposition includes certain requirements. (Fiscal)

STATUS: 7/09/2013 – Be adopted and passed Senate Committee on Governance and Finance Committee as amended. Re-referred to Senate Committee on Transportation and Housing. Hearing canceled at the request of the author.

LAST AMEND: 5/21/2013

CITY POSITION: SUPPORT

SCA 9 Corbett (D) Local Government: Economic Development: Special Taxes

Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified percentage of its voters voting on the proposition, if the proposition contains specified requirements. (Fiscal)

STATUS: 6/27/2013 – Be adopted and passed Senate Committees on Governance and Finance and Elections and Constitutional Amendments. Re-referred to Senate Committee on Appropriations.

LAST AMEND: 5/21/2013

CITY POSITION: SUPPORT

SCA 11 Hancock (D) Local Government: Special Taxes: Voter Approval

Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition, if the proposition proposing the tax contains specified requirements. (Fiscal)

STATUS: 6/27/2013 - Be adopted and passed Senate Committees on Governance and Finance and Elections and Constitutional Amendments. Re-referred to Senate Committee on Appropriations.

LAST AMEND: 5/21/2013

CITY POSITION: SUPPORT

Environment, Energy and Utilities

AB 21 Alejo (D) Safe Drinking Water Small Community Grant Fund

Authorizes the assessment of a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and the deposit of that money into the Safe Drinking Water State Small Community Emergency Grant Fund. Authorizes the expending of the money in the fund for grants for specified water projects that serve disadvantaged and severely disadvantaged communities. (Fiscal)

STATUS: 6/26/2013 – Passed Senate Committee on Health. Referred to Senate Appropriations Committee. Set for hearing on 8/12/2013.

LAST AMEND: 2/14/2013

AB 39 Skinner (D) Energy: Conservation: Financial Assistance

Extends the operation of the Energy Conservation Assistance Act of 1979 that requires the State Energy Resources Conservation and Development Commission to administer the State Energy Conservation Assistance Account, a continuously appropriated account to provide grants and loans to local governments and public institutions to maximize energy use savings. (Fiscal)

STATUS: 7/02/2013 - Passed Senate Committee on Energy, Utilities and Communications. Referred to Senate Appropriations Committee. Set for hearing on 8/12/2013.

LAST AMEND: 6/24/2013

AB 145 Perea (D) State Water Resources Control Board: Drinking Water

Transfers to the State Water Resources Control Board the Various duties and responsibilities imposed on the State Department of Public Health by the State Safe Drinking Water Act and the Safe Drinking Water State Revolving Fund Law of 1997. Requires the State Environmental Protection Agency to prepare a project initiation document for the transfer of the state drinking water program from the State Department of Public Health to a Division of Drinking Water Quality. (Fiscal)

STATUS: 7/03/2013 – Passed Senate Committee on Health. To Committee on Appropriations. Set for hearing on 8/12/2013.

LAST AMEND: 6/18/2013

AB 158 Levine (D) Solid Waste: Single Use Carryout Bags

Prohibits specified stores from providing a single-use carryout bag to a customer. Requires such stores to meet other requirements regarding providing recycled paper bags and compostable bags. Imposes these prohibitions and requirements on convenience food stores, foodmarts, and certain other specified stores. Requires bags sold or provided to a store by a reusable grocery bag producer to meet specified requirements. Requires violation penalties be used for enforcement. Authorizes civil penalties. (Fiscal)

STATUS: 5/24/2013 – In Assembly Committee on Appropriations. Not heard.

LAST AMEND: 4/9/2013

AB 323 Chesbro (D) Solid Waste: Recycling: Diversion: Green Materials

Requires the Department of Resources Recycling and Recovery to adopt regulations to provide that the use of green material as alternative daily cover or alternative intermediate cover does not constitute diversion through recycling and would be considered disposal for purposes of the Integrated Waste Management Act of 1989. Requires the department to conduct an analysis on the use of related residual fines. Provides an updated definition of commercial solid waste. (Fiscal)

STATUS: 5/24/2013 - In Assembly Committee on Appropriations. Held in committee.

LAST AMEND:

AB 403 Stone (D) Solid Waste: Home-Generated Sharps

Requires a producer of home-generated sharps or a stewardship organization designated by the producer to submit a home-generated sharps stewardship plan to the Department of Resources Recycling and Recovery. Relates to a recovery program to reduce the generation of, and manage the end-life of, home-generated sharps. Requires a seller to be in compliance with the bill's requirements. (Fiscal)

STATUS: 5/08/2013 – In Assembly Committee on Appropriations. Not heard.

LAST AMEND: 4/18/2013

CITY POSITION: SUPPORT

AB 416 Gordon (D) Local Emission Reduction Program

Creates the Local Emission Reduction Program and requires money to be available from the general fund for providing grants and other financial assistance to develop and implement greenhouse gas emissions reduction projects in the state, giving consideration to the ability of a project to create local job training and job creation benefits and achieve greenhouse gas emissions reduction.

Provides the public entities that will be required to administer the program. (Fiscal)

STATUS: 5/24/2013 - In Assembly Committee on Appropriations. Held in committee.

LAST AMEND: 4/4/2013

CITY POSITION: SUPPORT

AB 440 Gatto (D) Hazardous Substances: Releases: Local Agency Cleanup

Relates to liability for hazardous substance removal or remedial actions. Requires the Department of Toxic Substances Control and the Regional Water Quality Board to adopt and post cleanup guidelines for the taking of a removal or remedial action. Requires a local redevelopment agency to submit a plan for approval before taking action and to provide an opportunity for the public and other agencies to participate in decisions regarding the plan. Immunizes a local agency from liability under specified laws. (Fiscal)

STATUS: 7/03/2013 – Passed Senate Committee on Environmental Quality. In Senate Committee on Appropriations. Set for hearing on 8/12/2013.

LAST AMEND: 5/24/2013

AB 488 Williams (D) Recycling: Household Batteries

Requires a producer or a household battery stewardship organization appointed by one or more producers of a household battery to submit a household battery stewardship plan, which would be required to include specified elements. Requires the review of the plan and to provide for its approval or disapproval. Prohibits selling a household battery unless the plan for the battery is

Transportation and Environment Committee

Re: Report on Key Legislative Items

July 23, 2013

Page 15 of 22

approved. Relates to a plan collection rate. Requires the payment of a plan review fee. Authorizes a producer civil action. (Fiscal)

STATUS: 5/24/2013 – In Assembly Committee on Appropriations. Held in committee.

LAST AMEND: 4/23/2013

CITY POSITION: SUPPORT

AB 513 Frazier (D) Tire Recycling Program: Rubberized Asphalt

Establishes the Rubberized Asphalt Concrete Market Development Act and requires the awarding of grants for certain public agency projects that utilize rubberized asphalt concrete. Requires the Department of Resources Recycling and Recovery to award the grants using a specified formula for crumb rubber used in a public works or disability access project. (Fiscal)

STATUS: 7/03/2013 – Passed Senate Committee on Environmental Quality. Referred to Committee on Appropriations.

LAST AMEND: 6/24/2013

AB 521 Stone (D) Recycling: Marine Plastic Pollution

Requires the adoption of a list of specified items that constitute marine plastic pollution. Requires any producer to design and submit a plan to reduce the producer's proportion of the item's pollution. Requires a related fee for review of such plan. Authorizes the designation of an entity to develop the plan. Requires a civil penalty for violations. Creates an account for those fees. Authorizes a compliance fee in lieu of a plan. Provides for the use of fund moneys for measures to prevent such pollution. (Fiscal)

STATUS: 5/24/2013 - In Assembly Committee on Appropriations. Held in committee.

LAST AMEND: 5/7/2013

AB 691 Muratsuchi (D) State Lands: Granted Trust Lands: Sea Level Rise

Provides that addressing the impacts from sea level rise for all of its legislatively granted public trust lands shall be among the management priorities of a local trustee. Requires a local trustee whose gross public trust revenues average a specified amount, to prepare and submit to the State Lands Commission, an assessment of how it proposes to address sea level rise. Provides the information to be considered for input into the assessment. Permits already completed assessments to be submitted. (Fiscal)

STATUS: 7/01/2013 – Passed Senate Natural Resources and Water. Re-referred to Committee on Appropriations. Set for hearing on 8/12/2013.

LAST AMEND: 7/1/2013

AB 719 Hernandez R (D) Energy: Energy Efficiency: Street Light Poles

Requires the Public Utilities Commission to order electrical corporations to submit a tariff to be used, at the discretion of local governments, to fund energy efficiency improvements in street light poles owned by the electrical corporations. (Fiscal)

STATUS: 6/27/2013 - Passed Committee on Energy, Utilities and Communications. Re-referred to Senate Committee on Appropriations. Set for hearing on 8/12/2013.

LAST AMEND: 6/24/2013

AB 744 Gordon (D) Recycling: Beverage Containers

Deletes provisions that require the Department of Resources Recycling and Recovery to establish reporting periods for redemption rates and to determine the redemption rates for specified types of beverage containers. (Fiscal)

STATUS: 7/02/2013 - Passed Senate Environmental Quality Committee. To Senate Appropriations and referred to Senate Floor. To third reading.

LAST AMEND: 4/1/2013

AB 823 Eggman (D) Environment: State Farmland Protection Act

Enacts the Farmland Protection Act. Requires that a lead agency reviewing a development project require that all feasible mitigation of the identified significant environmental impacts associated with the conversion of agricultural lands be completed by the project applicant and to consider the permanent protection or replacement of such land as feasible mitigation for identified significant effects on the land caused by the project. (Fiscal)

STATUS: 4/29/2013 – Passed Assembly Committee on Natural Resources. Referred to Assembly Agriculture Committee.

LAST AMEND: 4/23/2013

AB 997 Chesbro (D) Solid Waste: Enforcement Agencies

Relates to the autonomy of local waste management enforcement agencies under the State Integrated Waste Management Act of 1989. Requires the local solid waste handling and disposal standards to be incorporated into the agency's enforcement program. Revises the provisions regarding the terms and conditions governing the issuance of solid waste permits by an agency. Relates to required public hearings regarding alleged failure by an agency to act according to the Act or related regulations. (Fiscal)

STATUS: 7/03/2013 – Passed Senate Committee on Environmental Quality. To Senate Appropriations Committee. Set for hearing on 8/12/2013.

LAST AMEND: 6/18/2013

AB 1251 Gorell (R) Water Quality: Stormwater

Requires the Secretary for Environmental Protection to convene a stormwater task force to review, plan, and coordinate stormwater-related activity to maximize regulatory effectiveness in reducing water pollution. Requires the task force to submit a statewide stormwater management plan to the Legislature. Requires the task force to consider specified issues in developing the plan. (Fiscal)

STATUS: 5/24/2013 - In Assembly Committee on Appropriations. Held in committee.

LAST AMEND: 4/10/2013

AB 1329 Perez V (D) Hazardous Waste

Requires the Department of Toxic Substances Control to prioritize an enforcement action affecting communities that have been identified by the Environmental Protection Agency as being the most impacted environmental justice communities. Prohibits transporting hazardous waste to an out-of-state facility unless certain conditions apply to the facility, including a cooperative agreement. (Fiscal)

STATUS: 7/03/2013 - Passed Senate Committee on Environmental Quality. Referred to Senate Appropriations Committee. Set for hearing on 8/12/2013. **LAST AMEND:** 6/27/2013

AB 1330 Perez J (D) Environmental Justice

Requires the Secretary for Environmental Protection to periodically revise and update the agencywide strategy to identify and address any additional gaps in existing programs, policies, or activities that may impede the achievement of environmental justice. Requires each board, department, and office of the State Environmental Protection Agency to maintain a publicly available database of its ongoing enforcement cases and compliance histories of its regulated entities. (Fiscal)

STATUS: 7/03/2013 - Passed Senate Committee on Governance and Finance. Referred to Committee on Appropriations. Set for hearing on 8/12/2013.

LAST AMEND: 4/9/2013

AB 1337 Allen T (R) Solid Waste: Plastic Bag: Recycling

Prohibits a city, county, or other public agency from enforcing any ordinance that prohibits a retail establishment from offering to its customers a single-use plastic carryout bag. Prohibit a city, county, or other public agency that otherwise prohibits single-use plastic carryout bags from enforcing any ordinance that imposes a fee, tax, or other charge upon a retail establishment that provides a single-use carryout bag that is not made of plastic to its customers. (Fiscal)

STATUS: 4/29/2013 - In Assembly Committee on Natural Resources. Failed passage.

LAST AMEND: 3/21/2013

AB 1375 Chau (Gordon) (D) Market Compliance: Clean Technology Investment Account

Creates the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund. Requires the Legislature to annually appropriate moneys from the fund into the Clean Technology Investment Account for the purposes of accelerating the development, demonstration, and deployment of clean technologies that will reduce greenhouse gas emissions and foster job creation.

STATUS: 5/07/2013 - Passed Assembly Natural Resources Committee. Referred to Assembly Appropriations Committee. Hearing canceled at request of author.

LAST AMEND: 5/7/2013

SB 1 Steinberg (D) Sustainable Communities Investment Authority

Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and enforcement of prevailing wage requirements within the area. (Fiscal)

STATUS: 7/03/2013 – Passed Assembly Committee on Housing and Community Development. Re-referred to Assembly Committee on Local Government. Set for hearing on 8/14/2013.

LAST AMEND: 5/2/2013

SB 4 Pavley (D) Oil and Gas: Well Stimulation

Requires an independent scientific study on well stimulation treatments, including acid well stimulation and hydraulic fracturing treatment. Requires a well operator to record and include all data on such treatments, and to apply for a permit prior to performing such treatments. Requires the

fracturing to be completed within one year of the permit date. Requires prior notification of stimulation. Requires disclosure of the treatment fluids. Requires public notice. Provides civil penalties for violations. (Fiscal)

STATUS: 7/01/2013 – Passed Assembly Committee on Natural Resources. Referred to Assembly Appropriations Committee.

LAST AMEND: 6/25/2013

SB 39 De Leon (D) Energy: School Facilities: Energy Efficiency Projects

Enacts the Clean Energy Employment and Student Advancement Act of 2013. Requires the Office of Public School Construction to award grants to a school district for energy efficiency upgrades pursuant to the State Clean Energy Jobs Act. Establishes a program to provide related assistance in such upgrades for districts and charter schools. Provides related contracting and contractor requirements. (Fiscal)

STATUS: 6/17/2013 - Referred to Assembly Committees on Natural Resources and Utilities and Commerce.

LAST AMEND: 5/28/2013

SB 43 Wolk (D) Shared Renewable Energy Self-Generation Program

Repeals the local government renewable energy self-generation program. Enacts the Shared Renewable Energy Self-Generation Program. Authorizes a retail customer of an electrical corporation to acquire an interest in a shared renewable energy facility for the purpose of receiving a bill credit to offset electricity usage. Provides that any corporation or person engaged in developing, owning, producing, delivering in such facility is not a public utility solely by reason of engaging in those activities. (Fiscal)

STATUS: 6/24/2013 – Passed Assembly Committee on Utilities and Commerce. To Assembly Appropriations Committee

LAST AMEND: 6/15/2013

SB 64 Corbett (D) Global Warming Solutions: Clean Technology Investment

Creates the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund. Requires appropriations of moneys in the fund or other funds to the account in the Budget Act. Makes such funds available for grants to nonprofit public benefit corporations and regional technology alliances to design and implement programs that accelerate the development, demonstration, and deployment of technologies that would reduce greenhouse gas emissions and foster job creation in the state. (Fiscal)

STATUS: 6/24/2013 - Re-referred to Assembly Committee on Natural Resources. Set for hearing on 8/12/2013.

LAST AMEND: 6/14/2013

SB 123 Corbett (D) Environmental and Land-Use Court

Requires the Judicial Council to direct the creation of an environmental and land-use division within the Superior Courts selected by the Council to process civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water

quality. Increases the fees for environmental license plates with revenue for the environmental and land use court. (Fiscal)

STATUS: 5/23/2013 - In Senate Committee on Appropriations. Held in committee.

LAST AMEND: 5/2/2013

SB 245 Correa (D) Recycling: Mattresses

Enacts the Used Mattress Recycling Act. Requires a qualified industry association, or a successor organization, to establish a mattress recycling organization. Requires each manufacturer and retailer to register with the organization. Requires the development of a certain state recycling plan.

Establishes the Used Mattress Recycling Account. Provides for a recycling charge on the purchase of mattresses. Authorizes the imposition of certain civil penalties. (Fiscal)

STATUS: 4/03/2013 - Re-referred to Senate Committees on Environmental Quality and Governance and Finance. Hearing in Senate Environmental Quality Committee postponed by committee.

LAST AMEND: 4/1/2013

SB 254 Hancock (D) Solid Waste: Used Mattresses: Recycling and Recovery

Establishes the Used Mattress Recovery and Recycling Act. Authorizes an industry association to establish a mattress recycling organization, and be certified by the Department of Resources Recycling and Recovery to develop a mattress recycling program. Requires manufacturers and retailers of mattresses to register with the mattress recycling organization. Prohibits manufacturing non compliant mattresses. Requires a state mattress recycling charge to be included in the purchase price. (Fiscal)

STATUS: 6/14/2013 - To Assembly Committee on Natural Resources. Set for hearing on 8/12/2013.

LAST AMEND: 5/28/2013

SB 395 Jackson (D) Hazardous Waste: Wells

Amends part of the Hazardous Waste Control Law that prohibits a person from discharging hazardous waste into an injection well unless certain conditions are met and imposes other requirements upon the operator of such well and defines injection for these purposes as excluding wells regulated by the Division of Oil and Gas. Deletes the exclusion of those regulated wells from the definition of injection well. Requires testing of the waste. Specifies that oil field waste does not include hazardous waste. (Fiscal)

STATUS: 5/30/2013 - In Senate. From third reading. To Inactive File.

LAST AMEND: 5/28/2013

SB 405 Padilla (D) Solid Waste: Single-Use Carryout Bags

Prohibits stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer. Requires these stores to meet other specified requirements regarding providing recycled paper bags, compostable bags or reusable grocery bags to customers. Imposes these prohibitions on convenience food stores, foodmarts, and other specified stores. Requires reusable grocery bags to meet specified requirements. Prohibits preemption by local ordinances after a date. (Fiscal)

STATUS: 6/03/2013 - In Senate. From third reading. To Inactive File. **LAST AMEND:** 5/24/2013

SB 529 Leno (D) Recycling: Fast Food Facilities

Enacts the Plastic and Marine Pollution Reduction, Recycling, and Composting Act. Prohibits a fast food facility from distributing disposable food service packaging or a single-use carryout bag to a consumer, unless the type of disposable food service packaging or single-use carryout bag meets the criteria for either compostable packaging or recyclable packaging. Requires the restaurant to recover a percentage of the packaging for recycling or composting. (Fiscal)

STATUS: 5/23/2013 - In Senate Committee on Appropriations. Held in committee.

LAST AMEND: 4/8/2013

SB 617 Evans (D) California Environmental Quality Act

Amends various provisions of the California Environmental Quality Act. Requires that notices regarding environmental impact reports filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by that clerk for public review. Provides additional duties regarding notices by the Office and the clerk. Requires a statement in the report regarding the placement of the project near natural hazards or adverse environment conditions. Repeals specified exemptions. (Fiscal)

STATUS: 5/30/2013 - In Senate. From third reading. To Inactive File.

LAST AMEND: 5/28/2013

SB 700 Wolk (D) Natural Resources: Parks: Carryout Bags

Requires a retail establishment to collect a charge for each single-use carryout bag provided to a customer. Allows the governing body of a city or county to adopt an ordinance that provides that the charge does not apply in that city or county. Requires the collected charges to be deposited in the Local Environmental Enhancement Fund to be administered by the Natural Resources Agency. Requires cities and counties eligible for grants from the agency to develop eligibility criteria for local grants. (Fiscal)

STATUS: 5/22/2013 - In Senate Appropriations Committee. Held in committee.

LAST AMEND: 4/23/2013

SB 727 Jackson (D) Medical Waste: Pharmaceutical Product Stewardship

Requires the submission of a plan for the safe collection and proper disposal of specified waste devices by a pharmaceutical producer. Requires the Department of Resources, Recycling and Recovery to post that information on its Web site. Requires each producer to also submit a related fee. Requires the imposition of administrative civil penalties for violations or a fine for non-submission of a plan by a specified date. (Fiscal)

STATUS: 5/01/2013 – In Senate Committee on Environmental Quality. Heard and remains in Committee. Two-year bill.

LAST AMEND: 4/3/2013

CITY POSITION: SUPPORT

SB 731 Steinberg (D) Environment: California Environmental Quality Act

Relates to the state Environmental Quality Act. Provides that aesthetic impacts of a residential, mixed-use residential, or employment center project within a transit priority area shall not be considered significant impacts on the environment. Requires guidelines for thresholds of significance and the transportation and parking impacts to be made available to the public. Requires preparation of environmental impact reports. Extends tolling agreements for judicial actions and mitigation measures. (Fiscal)

STATUS: 7/01/2013 - Passed Assembly Committee on Natural Resources. Re-referred to Assembly Committee on Local Government.

LAST AMEND: 5/24/2013

SB 754 Evans (D) Environmental Quality Act

Amends the California Environmental Quality Act. Authorizes a person meeting specified requirements to bring an action or proceeding to enforce the implementation of the mitigation measures specified in a reporting and monitoring program if a project applicant fails to implement those measures. Prohibits a project proponent to contract for, direct or prepare the initial study, environmental impact report or negative declaration. Prohibits the use of a prior EIR for specified purposes. (Fiscal)

STATUS: 5/23/2013 - In Senate Committee on Appropriations. Held in committee.

LAST AMEND: 5/6/2013

SB 804 Lara (D) Solid Waste: Energy

Redefines biomass conversion to include in addition to controlled combustion, any other conversion technology. Defines composting to include decomposition of organic wastes in the presence of oxygen. Includes as a part of the diversion rate requirement, the diversion of solid waste through anaerobic digestion. (Fiscal)

STATUS: 7/01/2013 – Passed Assembly Committee on Natural Resources with amendments. Re-referred to Committee on Environmental Safety and Toxic Materials.

LAST AMEND: 6/25/2013

PUBLIC OUTREACH

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting.)
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting.)
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a

Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, and Notice in appropriate newspapers.)**

This document will be posted on the City's website for the August 12, 2013 Transportation and Environment Committee, where the Council and the public will have the opportunity to comment.

EVALUATION AND FOLLOW-UP

The City Council will be informed as to the status of these measures as part of the regular Intergovernmental Relations legislative updates.

COORDINATION

This memo was coordinated with Aviation, the Environmental Services Department, the Transportation and Public Works Departments, the City Attorney's Office, the City's Legislative Advocate in Sacramento, and the City's Federal lobbyist firm of Patton Boggs, LLP.

POLICY ALIGNMENT

The measures and critical funding issues identified in the memorandum are based on the City of San José's 2013 Legislative Guiding Principles, Priorities and Advocacy Issues adopted by the City Council on December 18, 2012.

/s/

BETSY SHOTWELL

Director, Intergovernmental Relations

(408) 535-8270

/s/

ROXANNE L. MILLER

State Legislative Advocate

(916) 443-3946